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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 GLORIA ZANARINI,)	
13 Plaintiff,)	CIVIL NO. 05-04479 MHP
14 v.)	
15 JO ANNE B. BARNHART,)	DEFENDANT'S NOTICE, MOTION AND
Commissioner of Social Security,)	MEMORANDUM IN SUPPORT OF
16 Defendant.)	MOTION TO DISMISS FOR
)	FAILURE TO PROSECUTE CASE;
)	PROPOSED ORDER

17
18 I. INTRODUCTION

19 The above-captioned Social Security action is filed according to Civil L.R. 16-5, and as such, it is
20 submitted on the papers without oral argument. Defendant moves for dismissal of Plaintiff's complaint
21 pursuant to Fed.R.Civ.P. 4(a), (c)(1), (i) and (m).

22 II. ISSUES

23 Plaintiff Gloria Zanarini (hereinafter Plaintiff), filed a Complaint for judicial review of a decision
24 on a claim for benefits under the Social Security Act on November 3, 2005. Plaintiff has failed to have
25 Process issued against Defendant (see Civil Docket Sheet Number 1, attached hereto), has failed to E-File
26 and/or Register as an E-Filer (see Civil Docket Sheet Number 3), and has failed to properly serve Defendant
27 with a Summons and Complaint pursuant to Fed.R.Civ.P. 4(a), (c)(1), (i), and (m).

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1 It has now been more than 120 days since Plaintiff filed her Complaint. Accordingly, the Court
2 should dismiss Plaintiff's complaint for lack of prosecution. See Fed.R.Civ.P. 4(m).

3 V. CONCLUSION

4 Because Plaintiff has not had Process issued, and has failed to properly serve Defendant, the Court
5 should dismiss her complaint for failure to prosecute.

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7 Respectfully submitted,

8 KEVIN V. RYAN
9 United States Attorney

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12 Dated: May 25, 2006

13 By: _____
14 SARA WINSLOW
Assistant United States Attorney

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16 [PROPOSED] ORDER

17 This case is dismissed pursuant to Fed.R.Civ.P. 4 for failure to prosecute. The clerk shall close the
18 file.

19 IT IS SO ORDERED.

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22 Dated: May 31, 2006 _____

